Listing of Claims:

1. (Currently Amended) A semiconductor light emitting device comprising:

a semiconductor substrate formed from InP;

an active layer which is formed from InGaAsP and provided at ~~the~~ an upper side of the semiconductor substrate, and which has a width of not less than 3.5 μm; and

an n-type cladding layer formed from InGaAsP and a p-type cladding layer formed from InP, which ~~are formed so as to~~ hold the active layer therebetween,

wherein ~~, the semiconductor light emitting device is,~~ given that a refractive index of the n-type cladding layer is na, and a refractive index of the p-type cladding layer is nb, ~~set so as to be the~~ a relationship ~~of~~ na > nb ~~in which the refractive index na of the n-type cladding layer is higher than the refractive index nb of the p-type cladding layer~~ is satisfied, and ~~due to the~~ wherein a distribution of light generated by the active layer ~~being~~ is deflected to the n-type cladding layer side, such that optical loss by intervalence band light absorption at the p-type cladding layer is suppressed. ~~, and high-power light output can be obtained.~~

2. (Currently Amended) A semiconductor light emitting device according to claim 1, ~~wherein the semiconductor light emitting device~~ further ~~comprises~~ comprising:

a first SCH (Separate Confinement Heterostructure) layer formed from InGaAsP, which is formed between the active layer and the n-type cladding layer; and

a second SCH layer formed from InGaAsP, which is formed between the active layer and the p-type cladding layer.

Claim 3 (Canceled).

4. (Currently Amended) A semiconductor light emitting device according to claim 1, wherein the active layer ~~includes~~ comprises a plural-layer MQW (Multi-quantum well) structure ~~having~~ including plural-layer well layers and plural-layer barrier layers positioned at ~~the~~ both sides of the respective well layers ~~at the plural-layer well layers~~.

5. (Original) A semiconductor light emitting device according to claim 2, wherein the first SCH layer includes a multilayer structure formed from a plurality of layers, and the second SCH layer includes a multilayer structure formed from a plurality of layers.

6. (Currently Amended) A semiconductor light emitting device according to claim 5, wherein, given that a refractive index of a layer having ~~the~~ a lowest refractive index ~~of said plurality of layers structuring~~ in the active layer is ns, ~~and~~ given that respective refractive indices and ~~thickness~~ thicknesses of said plurality of layers of the first SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, an ~~at~~ order ~~close~~ increasing from the active layer, and given that respective refractive indices and ~~thickness~~ thicknesses of said plurality of layers of the second SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, in an ~~at~~ order ~~close~~ increasing from the active layer,

~~the relationship of~~ the ~~thickness~~ thicknesses of the respective layers ~~is~~ of both the first and second SCH layers are set to ~~be~~ satisfy a relationship:

$$t1 = t2 = t3 =, \ldots, = tN$$

~~the relationship of the~~ magnitudes of the refractive indices of the respective layers of the active layer, the first SCH layer, the second SCH layer, the n-type cladding layer and the p-type cladding layer is set to ~~be the~~ satisfy a relationship:

$$ns > n1 > n2 > n3 >, \ldots, nN > na > nb$$

such that the refractive indices of the first and second SCH layers become smaller ~~the further away~~ with increasing distance from the active layer, and ~~including the relationship~~

~~that the refractive index ns of the active layer is the highest, and the refractive index na of the n-type cladding layer is higher than the refractive index nb of the p-type cladding layer, and~~

differences between the refractive ~~index differences between the~~ indices of adjacent layers ~~which are adjacent to one another~~ in said plurality of layers respectively structuring the first SCH layer and the second SCH layer are set to ~~be the~~ satisfy a relationship:

ns-n1 > n1-n2 > n2-n3 >, …, > nN-nb > nN-na

such that the differences between the refractive ~~index differences~~ indices become smaller ~~the further toward~~ with decreasing distance from the corresponding one of the n-type cladding layer and the p-type cladding layer and increasing distance from the active layer.

7. (Currently Amended) A semiconductor light emitting device according to claim 5, wherein, given that a refractive index of a layer having ~~the~~ a lowest refractive index ~~of said plurality of layers structuring~~ in the active layer is ns, ~~the~~ given that respective refractive indices and ~~the thickness~~ thicknesses of said plurality of layers of the first SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, an ~~at~~ order ~~close~~ increasing from the active layer, and given that

respective refractive indices and ~~the thickness~~ thicknesses of said plurality of layers of the second SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, in an ~~at~~ order ~~close~~ increasing from the active layer,

~~the relationship of the~~ magnitudes of the refractive indices of the respective layers of the active layer, the first SCH layer, the second SCH layer, the n-type cladding layer and the p-type cladding layer is set to ~~be the~~ satisfy a relationship:

ns > n1 > n2 > n3 >, …, nN > na > nb

such that the refractive indices of the first and second SCH layers become smaller ~~the further away~~ with increasing distance from the active layer, ~~including the relationship that the refractive index ns of the active layer is the highest, and the refractive index na of the n-type cladding layer is higher than the refractive index nb of the p-type cladding layer,~~

differences between the refractive ~~index differences between~~ ~~the~~ indices of adjacent layers ~~which are adjacent to one another~~ in said plurality of layers respectively structuring the first SCH layer and the second SCH layer are set to ~~be the~~ satisfy a relationship:

ns-n1 = n1-n2 = n2-n3 =, …, = nN-nb

~~(where nN-nb > nN-na)~~, where nN-nb > nN-na

~~such that the refractive index differences are equal to one another~~, and

~~the relationship of~~ the ~~thickness~~ thicknesses of the respective layers ~~is~~ of both the first and second SCH layers are set to ~~be~~ satisfy a relationship:

$$t1 < t2 < t3 <, \ldots, < tN$$

such that the ~~thickness becomes~~ thicknesses become larger ~~the further away~~ with increasing distance from the active layer.

8. (Currently Amended) A semiconductor light emitting device according to claim 5, wherein, given that a refractive index of a layer having ~~the~~ a lowest refractive index ~~of said plurality of layers structuring~~ in the active layer is ns, ~~the~~ given that respective refractive indices and ~~the thickness~~ thicknesses of said plurality of layers of the first SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, an ~~at~~ order ~~close~~ increasing from the active layer, and given that respective refractive indices and ~~the thickness~~ thicknesses of said plurality of layers of the second SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, in an ~~at~~ order ~~close~~ increasing from the active layer,

~~the relationship of the~~ magnitudes of the refractive indices of the respective layers of the active layer, the first SCH layer, the second SCH layer, the n-type cladding layer and the p-type cladding layer is set to ~~be the~~ satisfy a relationship:

$$ns > n1 > n2 > n3 >, \ldots, nN > na > nb$$

such that the refractive indices of the first and second SCH layers become smaller ~~the further away~~ with increasing distance from the active layer, ~~including the relationship that the refractive index ns of the active layer is the highest, and the refractive index na of the n-type cladding layer is higher than the refractive index nb of the p-type cladding layer,~~

differences between the refractive ~~index differences between the~~ indices of adjacent layers ~~which are adjacent to one another~~ in said plurality of layers respectively structuring the first SCH layer and the second SCH layer are set to ~~be the~~ satisfy a relationship:

$$ns-n1 > n1-n2 > n2-n3 >, \ldots, > nN-nb > nN-na$$

such that the differences between the refractive ~~index differences~~ indices become smaller ~~the further away~~ with increasing distance from the active layer, and

~~the relationship of~~ the ~~thickness~~ thicknesses of the respective layers ~~is~~ of both the first and second SCH layers are set to ~~be~~ satisfy a relationship:

$$t1 < t2 < t3 <, \ldots, < tN$$

such that the ~~thickness becomes~~ thicknesses become larger ~~the further away~~ with increasing distance from the active layer.

9. (Currently Amended) A semiconductor light emitting device according to claim 5, wherein, given that a refractive

index of a layer having ~~the~~ a lowest refractive index ~~of said plurality of layers structuring~~ in the active layer is ns, ~~and~~ given that respective refractive indices and ~~thickness~~ thicknesses of said plurality of layers of the first SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, an ~~at~~ order ~~close~~ increasing from the active layer, and given that respective refractive indices and ~~thickness~~ thicknesses of said plurality of layers of the second SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, in an ~~at~~ order ~~close~~ increasing from the active layer,

~~the relationship of~~ the ~~thickness~~ thicknesses of the respective layers ~~is~~ of both the first and second SCH layers are set to ~~be~~ satisfy a relationship:

$$t1 = t2 = t3 =, \ldots, = tN$$

~~the relationship of the~~ magnitudes of the refractive indices of the respective layers of the active layer, the first SCH layer, the second SCH layer, the n-type cladding layer and the p-type cladding layer is set to ~~be the relationship~~ satisfy relationships:

$$ns > n1 > n2 > n3 >, \ldots, nN > nb, \text{ and } na > nN$$

such that the refractive indices of the first and second SCH layers become smaller ~~the further away~~ with increasing distance from the active layer, and ~~including the relationship that the refractive index ns of the active layer is the highest,~~

~~and the refractive index na of the n-type cladding layer is higher than the refractive index nb of the p-type cladding layer, and~~

differences between the refractive ~~index differences between the~~ indices of adjacent layers ~~which are adjacent to one another~~ in said plurality of layers respectively structuring the first SCH layer and the second SCH layer are set to ~~be the~~ satisfy a relationship:

$$ns-n1 > n1-n2 > n2-n3 >, \ldots, > n(N-1)-nN$$

such that the differences between the refractive ~~index differences~~ indices become smaller ~~the further toward~~ with decreasing distance from the corresponding one of the n-type cladding layer and the p-type cladding layer and increasing distance from the active layer.

10. (Currently Amended) A semiconductor light emitting device according to claim 5, wherein, given that a refractive index of a layer having ~~the~~ a lowest refractive index ~~of said plurality of layers structuring~~ in the active layer is ns, ~~the~~ given that respective refractive indices and ~~the thickness~~ thicknesses of said plurality of layers of the first SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, an ~~at~~ order ~~close~~ increasing from the active layer, and given that respective refractive indices and ~~the thickness~~ thicknesses of

said plurality of layers of the second SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, in an ~~at~~ order ~~close~~ increasing from the active layer,

~~the relationship of the~~ magnitudes of the refractive indices of the respective layers of the active layer, the first SCH layer, the second SCH layer, the n-type cladding layer and the p-type cladding layer is set to ~~be the relationship~~ satisfy relationships:

$$ns > n1 > n2 > n3 >, \ldots, nN > nb, \text{ and } na > nN$$

such that the refractive indices of the first and second SCH layers become smaller ~~the further away~~ with increasing distance from the active layer, ~~including the relationship that the refractive index ns of the active layer is the highest, and the refractive index na of the n-type cladding layer is higher than the refractive index nb of the p-type cladding layer, and~~

differences between the refractive ~~index differences between the~~ indices of adjacent layers ~~which are adjacent to one another~~ in said plurality of layers respectively structuring the first SCH layer and the second SCH layer are set to ~~be the~~ satisfy a relationship:

$$ns-n1 = n1-n2 = n2-n3 =, \ldots, = nN-nb$$

~~such that the refractive index differences are equal to one another~~, and

~~the relationship of~~ the ~~thickness~~ thicknesses of the respective layers ~~is~~ of both the first and second SCH layers are set to ~~be~~ satisfy a relationship:

$$t1 < t2 < t3 <, \ldots, < tN$$

such that the ~~thickness becomes~~ thicknesses become larger ~~the further away~~ with increasing distance from the active layer.

11. (Currently Amended) A semiconductor light emitting device according to claim 5, wherein, given that a refractive index of a layer having ~~the~~ a lowest refractive index ~~of said plurality of layers structuring~~ in the active layer is ns, ~~the~~ given that respective refractive indices and ~~the thickness~~ thicknesses of said plurality of layers of the first SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, an ~~at~~ order ~~close~~ increasing from the active layer, and given that respective refractive indices and ~~the thickness~~ thicknesses of said plurality of layers of the second SCH layer are ~~respectively~~ n1, n2, n3, …, nN and t1, t2, t3, …, tN, in an ~~at~~ order ~~close~~ increasing from the active layer,

~~the relationship of the~~ magnitudes of the refractive indices of the respective layers of the active layer, the first SCH layer, the second SCH layer, the n-type cladding layer and the p-type cladding layer is set to ~~be the relationship~~ satisfy relationships:

ns > n1 > n2 > n3 >, ..., nN > nb, and na > nN

such that the refractive indices of the first and second SCH layers become smaller ~~the further away~~ with increasing distance from the active layer, ~~including the relationship that the refractive index ns of the active layer is the highest, and the refractive index na of the n-type cladding layer is higher than the refractive index nb of the p-type cladding layer, and~~

differences between the refractive ~~index differences between the~~ indices of adjacent layers ~~which are adjacent to one another~~ in said plurality of layers respectively structuring the first SCH layer and the second SCH layer are set to ~~be the~~ satisfy a relationship:

ns-n1 > n1-n2 > n2-n3 >, ..., > n(N-1)-nN

such that the differences between the refractive ~~index differences~~ indices become smaller ~~the further away~~ with increasing distance from the active layer, and

~~the relationship of~~ the ~~thickness~~ thicknesses of the respective layers ~~is~~ of both the first and second SCH layers are set to ~~be~~ satisfy a relationship:

t1 < t2 < t3 <, ..., < tN

such that the ~~thickness becomes~~ thicknesses become larger ~~the further away~~ with increasing distance from the active layer.

12. (Original) A semiconductor light emitting device according to claim 2, wherein the semiconductor light emitting device is formed so as to be a buried structure.

13. (Currently Amended) A semiconductor light emitting device according to claim 12, wherein the n-type cladding layer, the first SCH layer, the active layer, the second SCH layer, and a part of the p-type cladding layer are formed to be a mesa type, and the semiconductor light emitting device further comprises:

a first buried layer formed from p-type InP such that one surface thereof contacts one of the semiconductor substrate ~~or~~ and the n-type cladding layer at ~~the~~ both sides of the respective layers formed to be a mesa type; and

a second buried layer formed from n-type InP such that one surface thereof contacts the p-type cladding layer and the other surface thereof contacts the other surface of the first buried layer at ~~the~~ said both sides of the respective layers formed to be a mesa type.

14. (Original) A semiconductor light emitting device according to claim 1, wherein the semiconductor light emitting device is formed so as to be a ridge structure.

15. (Currently Amended) A semiconductor light emitting device according to claim 14, wherein, when the semiconductor substrate is n-type, the p-type cladding layer ~~is formed as~~ comprises a ridge structured portion in which ~~the~~ a substantially central portion ~~at the~~ of an outer side thereof ~~is heaped to the upper side~~ extends outward farther than outer portions thereof, and the semiconductor light emitting device further comprises:

a contact layer formed at ~~the~~ an upper side of the ridge structured portion at the p-type cladding layer;

an insulating layer formed so as to ~~open the~~ expose a central portion of the contact layer, and so as to cover the p-type cladding layer including the ridge structured portion; and

an electrode formed at ~~the~~ a top portion of the insulating layer ~~in a state in which~~ such that one portion thereof is connected to the contact layer.

16. (Currently Amended) A semiconductor light emitting device according to claim 1, wherein a bandgap wavelength of InGaAsP structuring the n-type cladding layer is ~~less~~ not more than ~~or equal to~~ 0.97 μm.

Claims 17 and 18 (Canceled).

19. (Currently Amended) A semiconductor light emitting device according to claim 1, wherein, when the semiconductor substrate is n-type, the n-type cladding layer is formed at ~~the~~ a lower side of the active layer, and the p-type cladding layer is formed at ~~the~~ an upper side of the active layer.

20. (Currently Amended) A semiconductor light emitting device according to claim 1, wherein, when the semiconductor substrate is p-type, the n-type cladding layer is formed at ~~the~~ an upper side of the active layer, and the p-type cladding layer is formed at ~~the~~ a lower side of the active layer.